

## HUMAN SERVICES BOARD

# INTRODUCTION

Petitioner is a disabled individual. His sole source of income is Social Security Disability benefits. Several years ago, petitioner's Social Security number was misused. Petitioner believes that his issues with the Department stem from this misuse of his Social Security number. He does not agree that the amount of his disability payments as reported by the Social Security Administration is correct because of these past problems.

At a hearing held on September 9, 2009, the petitioner raised the same issues decided in earlier appeals before the Board.

The issue is whether petitioner's appeal should be considered *res judicata* based on prior decisions by the Board and the Vermont Supreme Court.

#### DISCUSSION

The petitioner was the subject of Fair Hearing Nos. 19,996 decided by the Board on February 14, 2005 and affirmed by the Vermont Supreme Court on October 28, 2005 (Docket No. 2005-082 slip opinion); Fair Hearing 21,236 and A-02/08-58 decided by the Board on May 7, 2008 and dismissed by the Vermont Supreme Court on October 3, 2008 (Docket No. 2008-238 slip opinion); and Fair Hearing No. A-08/08-383 decided by the Board on December 3, 2008.

The petitioner raises the same issues decided in these earlier appeals (i.e. misuse of his Social Security number, mail going to the wrong address, unsealed mail, theft, etc.).

The petitioner is experiencing some problems dealing with Department staff. The Department's attorney is addressing these concerns. The Board does not have authority over these matters.

ORDER

Based on the prior decisions by the Board and the Vermont Supreme Court, the petitioner's present appeal against the Department is dismissed as *res judicata*. 3 V.S.A. § 3091(a).

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